



LOMACEN.015C4

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : William J. Wechter
Appl. No. : 10/660,927
Filed : September 12, 2003
For: : USE OF γ -TOCOPHEROL AND
ITS OXIDATIVE
METABOLITE LLU- α IN THE
TREATMENT OF DISEASE
Examiner : Henley, Raymond J., III
Group Art Unit : 1614

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

August 12, 2004

(Date)

Eric S. Fugman, Ph.D., Reg. No. 45,664

TERMINAL DISCLAIMER

Pursuant to 37 C.F.R. § 1.321(b) the undersigned attorney of record is empowered to act on behalf of the Assignee (Loma Linda University Medical Center).

In accordance with 37 C.F.R. § 3.73(a), Assignee represents that it is the owner of the entire right, title and interest to the above-referenced application, which is a continuation of pending U.S. patent application Serial No. 10/372,510, filed Feb. 21, 2003, which is a continuation of U.S. patent application Serial No. 10/134,140, filed Apr. 26, 2002, now U.S. Pat. No. 6,555,575, which is a continuation of U.S. Patent Application Serial No. 09/814,330, filed March 21, 2001, now U.S. Patent No. 6,410,589, which is a continuation application of U.S. Patent Application Serial No. 09/461,645, now U.S. Patent No. 6,242,479 which is a continuation of U.S. Patent Application Serial No. 09/215,608, now U.S. Patent No. 6,048,891. The Assignment of U.S. Patent Application Serial No. 09/215,608 and all continuations thereof including U.S. Patent Application Serial No. 09/461,645, U.S. Patent Application Serial No. 09/814,330, and the present application, from the inventor to the Assignee, was recorded by the United States Patent and Trademark Office on March 12, 1999 and can be found at Reel no. 9816, Frame no. 0215. This Assignment encompasses the entire chain of title of this invention from the Inventor to the Assignee for the patents and applications. Assignee represents that, to the best of its knowledge and belief, title is in the Assignee seeking to take action.

Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-captioned application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,242,479 or 6,048,891, or any patent issuing from U.S. Patent Application No. 10/661,336

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or 10/372,510, and hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that the owner of the legal title to said patent shall be the same as that of the legal title to U.S. Patent Nos. 6,242,479 and 6,048,891, and any patent issuing from U.S. Patent Application Nos. 10/661,336 or 10/372,510. This agreement extends to any patent granted on the above-captioned application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of U.S. Patent No. 6,410,589, 6,242,479 or 6,048,891, or any patent issuing from U.S. Patent Application Nos. 10/661,336 and 10/372,510, and that of any patent issuing on the above-captioned application in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Aug. 12, 2004

By: 

Eric S. Fushman, Ph.D.
Registration No. 45,664
Attorney of Record
2040 Main Street
14th Floor
Irvine, CA 92614
(619) 235-8550

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